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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 19478/1998

BETWEEN:

Smt.Parvathamma w/o B.Shankarappa,
aged about 40 yrs., r/a Door No.30,
Ward No.18, K.H.B.Colony, Valmiki
Hostel (Behind), Gandhinagar,
Moka Road, Bellary.

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.. Petitioner

(By Sri C.H.Ramachandra Reddy, Adv.,)

AND:

1. The Asst. Commissioner and
Land Acquisition Officer,
Bellary.
2. The Karnataka Housing Board,
rep by its Commissioner,
Cauvery Bhavan, Bangalore.
3. The Executive Engineer,
Karnataka Housing Board,
Sub-Division, Bellary.
4. The Deputy Commissioner,
Bellary, Bellary Dist.,
5. The State of Karnataka by its
Secretary to Govt., Revenue
Dept., M.S.Building, Bangalore-1. .. Respondents

(By Sri K.H.Jagadish, GA, for R1, 4 and 5)

This Writ Petition filed under Articles 226
and 227 of the Constitution of India, praying to
quash the preliminary notification dt. 2.4.78 vide
Annex.E and Notification dt. 20.11.79 vide Annex.E1

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in so far as the petitioner's land concerned i.e. land in T.S.No.690 A1/A2 measuring 60 x 84 feet is not included in the preliminary notification and the same is not in accordance with the provisions of Section 4 and 6 of the Land Acquisition Act and etc.,

This Writ Petition coming on for prly. hearing this day, the Court made the following :-

O R D E R

In view of the decision of this Court in POORNAPRAJNA HOUSE BUILDING CO.OPERATIVE SOCIETY Vs. BAILAMMA @ DODDA BAILAMMA & ORS., ILR 1998 Kar 1441, the petitioner having been the subsequent purchaser of the land in question has no right to maintain this petition, for quashing the acquisition proceedings. The petition, therefore, fails and accordingly rejected. However, liberty is reserved to the petitioner to seek for allotment of a site from the second respondent who in such case may consider the case of the petitioner sympathetically for allotment of a site in such a manner so that the house stated to be constructed by the petitioner would form a part and parcel of such site for such consideration as may be determined by the Board.



Sd/-
JUDGE